

**35<sup>th</sup> AVENUE SUPERFUND SITE  
BIRMINGHAM, AL  
FEBRUARY 2022**

**Issue:**

- The 35<sup>th</sup> Avenue site in North Birmingham, Alabama, has been contentious since EPA proposed to add it to the National Priorities List (NPL) in 2014.
- The site remains proposed to the NPL. Since the proposal, EPA has advanced site cleanup using its removal authority (\$42M spent to date; \$42.7M anticipated to complete the cleanup, not including EPA's oversight costs).
- The Greater Birmingham Alliance to Stop Pollution (GASP), the People Against Neighborhood Industrial Contamination (PANIC) and the Center for Biological Diversity, have written both the Region 4 Regional Administrator (December 2021) and Administrator Regan (January 2022) requesting that the agency finalize the site on the NPL. The groups have also requested the Administrator and Deputy OLEM AA visit the site.

**Background:**

- The site is composed of residential properties contaminated with lead, arsenic and polycyclic aromatic hydrocarbons (PAHs). Several area industries may have potentially contributed to the contamination.
- In June 2014, the Alabama Department of Environmental Management (ADEM) sent EPA a letter of conditional NPL listing support for the site; citing cost-share issues, the State indicated it did not oppose listing if the site was PRP lead.
- At the time of the site's September 2014 proposal, the State rescinded its concurrence and actively opposed the listing action, sending a letter to the OLEM AA requesting dispute resolution if EPA continued the site's NPL addition.
- Some members of Congress and local elected officials also expressed opposition to NPL listing following the proposal.
- Beginning in the fall of 2017, EPA received renewed interest and support for NPL listing from former Senator Doug Jones, Congresswoman Terri Sewell (D-AL), Birmingham Mayor Randall Woodfin and environmental activist Lois Gibbs.
- The joint letter from GASP, PANIC, and Center for Biological Diversity cites air deposition as the primary mode of contamination dispersion; however, through the removal process, fill deposition in low-lying areas has been found to be the primary source of residential soil contamination.
- According to EPA's EJSCREEN, this site and its surrounding area exceeds the 80<sup>th</sup> percentile for all 11 EJ indexes in the State, Region 4 and the United States.

### **Key Points:**

- Prior to its NPL proposal in September 2014, EPA began cleanup work at the site in February 2014 after identifying 658 residential properties for cleanup (out of 1,981 sampled); this work has continued without interruption.
  - To date, EPA has cleaned up 96 percent of the properties requiring cleanup, including three area schools, two public housing communities and more than 635 residential properties, and continues work to clean up the remaining properties.
  - In January 2022, EPA expanded its sampling activities to include the 129 properties GASP and PANIC identified in their letters.

- (b)(5) [REDACTED]  
[REDACTED]  
[REDACTED]  
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[REDACTED]  
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(b)(5) [REDACTED]

- EPA listed 98 properties based on arsenic and PAH contamination in the proposed HRS package (2014). Of those properties, (b)(5) [REDACTED]  
[REDACTED]  
(b)(5) [REDACTED]

- EPA identified additional areas of possible contamination during early assessment activities. Remedial investigation activities could possibly include assessment of groundwater contamination and surface water contamination in Five Mile Creek, which runs behind the Bluestone Coal facility.

- (b)(5) [REDACTED]  
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